

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ronald W. Hall,	:	
	:	
Plaintiff	:	Civil Action 2:08-cv-530
	:	
V.	:	Judge Smith
	:	
Ohio Dep't of Rehabilitation & Corrections, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	
	:	

ORDER

Plaintiff Ronald W. Hall, a state prisoner, brought this action alleging that defendants subjected him to cruel and unusual punishment by denying him medical care after he suffered a heart attack. This matter is before the Court on Magistrate Judge Abel's December 17, 2008 Report and Recommendation that defendant Southeastern Ohio Regional Medical Center's September 3, 2008 Motion for Judgment on the Pleadings (doc. 10) be denied.

No objections have been filed to the Report and Recommendation. The Magistrate Judge held that to the extent the complaint pleads a claim for medical malpractice, it is barred by Ohio's one-year statute of limitations for medical claims under Ohio Revised Code §2305.113. However, to the extent that it pleads a claim under 42 U.S.C. § 1983, it was timely filed.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B),

the Court **ADOPTS** the Report and Recommendation. Defendant Southeastern Ohio Regional Medical Center's September 3, 2008 Motion for Judgment on the Pleadings (doc. 10) is **GRANTED** to the extent the complaint pleads a claim for medical malpractice, but **DENIED** to the extent that it pleads a claim under 42 U.S.C. § 1983.

s/ George C. Smith

George C. Smith

United States District Judge